United Nations Convention on the Law of the Sea CLCS/42

Commission on the Limits of the Continental Shelf

Distr.: General
14 September 2004

Original: English

Fourteenth session
New York, 30 August-3 September 2004

Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The fourteenth session of the Commission on the Limits of the Continental Shelf was held at United Nations Headquarters from 30 August to 3 September 2004, pursuant to the decision taken at its twelfth session (CLCS/36, para. 32) and paragraph 18 of General Assembly resolution 58/240.

2. The following 19 members of the Commission attended the session: Alexandre Tagore Medeiros de Albuquerque, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Peter F. Croker, Indurlall Fagoonee, Noel Newton St. Claver Francis, Mihai Silviu German, Abu Bakar Jaafar, Mladen Juračić, Yuri Borisovitch Kazmin, Wenzheng Lu, Yong-Ahn Park, Fernando Manuel Maia Pimentel, Philip Alexander Symonds, Kensaku Tamaki, Naresh Kumar Thakur and Yao Ubuènalè Woeledji.

3. Samuel Sona Betah did not attend the session. Hilal Mohamed Sultan Al-Azri informed the Secretariat of the Commission and the Chairman that he could not attend the session owing to circumstances beyond his control.

4. The Commission had before it the following documents:

(a) Provisional agenda (CLCS/L.17);

(b) Statement by the Chairman of the Commission on the progress of work at its thirteenth session (CLCS/39);

(c) Letter dated 18 May 2004 from the Chairman of the Commission addressed to the President of the fourteenth Meeting of States Parties (SPLOS/111);

(d) Submission of Brazil dated 17 May 2004 made pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea and addressed through the Secretary-General to the Commission.

5. *Opening of the fourteenth session by the Chairman of the Commission.* The meeting was opened by the Chairman of the Commission, Peter F. Croker, who welcomed to the session the newly appointed Under-Secretary-General for Legal Affairs and Legal Counsel, Nicolas Michel.

04-51012 (E) 021104

6. *Statement by the Legal Counsel.* The Legal Counsel addressed the session, noting, among other things, that the work of the Commission was one of the vital elements in the establishment of the last of the extensive limits of national jurisdiction, and it brought much-needed precision to its important task of determining whether a coastal State, in delineating the outer limits of its continental shelf where it extended beyond 200 nautical miles, had correctly applied the complex formulas contained in article 76 of the Convention.

7. He stated that, in view of the highly technical scientific complexities involved, he was happy to note that some members of the Commission had been assisting the Division for Ocean Affairs and the Law of the Sea in compiling a training manual for States to help them to prepare their submissions to the Commission. This United Nations publication would be essential for assisting developing countries in that regard. He pointed out that the objective of the United Nations Secretariat was to encourage States to maximize the benefits of the training manual and that, at the request of Member States, the Secretariat planned to convene regional workshops, starting in January 2005.

8. Elaborating on the work of the Commission in considering submissions, he stated that he was confident that its examination of the submissions and its carefully considered recommendations, based on solid scientific grounds, would stand the test of close global scrutiny. Finally, he assured the members of the Commission of the fullest support of the Secretariat and its staff.

9. *Adoption of the agenda.* The Chairman proposed the provisional agenda (CLCS/L.17) for consideration by the Commission, which it adopted without amendment (CLCS/41).

10. *Agenda item 3. Organization of work.* The Chairman outlined the programme of work and the schedule for the Commission's deliberations on the various items of the agenda.

11. *Agenda item 4. Consideration of the submission made by Brazil to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea.* The presentation of the submission of Brazil was made by Vice-Admiral Lúcio Franco de Sá Fernandes, Director of Hydrography and Navigation, Ministry of Defence of Brazil, who was accompanied by a delegation of experts from the submitting State. Following the presentation, the representative of Brazil was invited by the Chairman to provide clarification of outstanding issues that needed to be addressed pursuant to section 2, subparagraph (a) of annex III to the rules of procedure of the Commission (CLCS/40), that is (a) names of members of the Commission who had assisted the coastal State by providing scientific and technical advice with respect to the submission; (b) information regarding any disputes related to the submission; and (c) comments on any note verbale from other States regarding the data reflected in the executive summary, including all charts and coordinates, as made public by the Secretary-General in accordance with rule 50. The representative of Brazil stated that, apart from Mr. Albuquerque, no other member of the Commission had assisted Brazil in any way with respect to its submission. He further stated that Brazil had concluded delimitation agreements with both of its neighbours (French Guiana in the north and Uruguay in the south) and that there were no outstanding disputes related to the submission. Finally, he stated that he was not aware of any communication from any State regarding the submission. A question-and-answer period followed, during which members of the

Commission questioned members of the Brazilian delegation in regard to various scientific and technical issues related to the submission.

12. One of the questions raised concerned the confidentiality of data. The response of the head of the delegation of Brazil to that question was supplemented by a written communication dated 2 September 2004 addressed to the Chairman of the Commission. In that letter, it was explained that the safe custody of the submission, confidentiality of data and information, and disclosure of any information contained in the submission were interrelated aspects, regulated by the rules on confidentiality contained in annex II to the rules of procedure of the Commission.

13. It was stated in the letter that it was the understanding of the Government of Brazil that the Secretariat was required to ensure the safe custody of the submission, which was the property of Brazil, during its examination by the Commission. Further, it was the understanding of the Government that access to the submission, together with its attachments and annexes, should be limited to the members of the Commission and designated members of the Secretariat. It was also understood that not only the deliberations of the Commission and Subcommission but also any data or information relating to the submission should remain confidential until such time as information on the outer limits of its continental shelf had been deposited with the Secretary-General in accordance with article 76, paragraph 9, of the Convention. On this understanding, the head of delegation informed the Commission that the Government of Brazil considered unclassified all documentation, including the main body and the supporting scientific and technical data and information contained in its submission, in order to facilitate its examination by the members of the Subcommission.

14. The letter concluded that, after the Government of Brazil had established the outer limits of the continental shelf on the basis of the recommendations of the Commission, considered final and binding, the submission material should be returned to Brazil. At that time, the Government intended to give publicity to the scientific and technical data and information used for preparation of its submission.

15. Following the question-and-answer period, the Chairman of the Commission, on behalf of its members, expressed appreciation to the representatives of Brazil for the detailed presentation. The Commission took note of the availability of Brazilian experts in New York throughout its fourteenth session and during the following two weeks foreseen for the work of the Subcommission.

16. The Secretariat informed the Commission that a letter had been received by the Legal Counsel on 30 August 2004 from the Deputy Representative of the United States of America to the United Nations, with a request that it be circulated to the members of the Commission and to all States Members of the United Nations. In that letter, the Government of the United States had commented on the executive summary of the Brazilian submission, which had been circulated to all States, and suggested that the Commission might wish to pay attention to certain issues related to sediment thickness and the Vitoria-Trindade feature.

17. In regard to the letter of the United States, the Commission noted that both annex II to the Convention and the rules of procedure of the Commission provided for only one role to be played by other States in regard to the consideration of the data and other material submitted by coastal States concerning the outer limits of the continental shelf beyond 200 nautical miles. Only in the case of a dispute between

States with opposite or adjacent coasts or in other cases of unresolved land or maritime disputes would the Commission be required to consider communications from States other than the submitting one. Consequently, the Commission concluded that the content of the letter from the United States should not be taken into consideration by the Commission. The Commission also instructed the Subcommission to disregard the comments contained in that letter during its examination of the Brazilian submission.

18. The Commission then addressed the modalities for the consideration of the submission. The Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure of the Commission, the submission of Brazil would be addressed through the establishment of a Subcommission.

19. The Chairman proposed a procedure to establish a subcommission of the Commission, taking into account the provisions of the United Nations Convention on the Law of the Sea and the rules of procedure of the Commission, inter alia, the need for a scientific and geographical balance. Following a discussion, the Commission decided that the nomination of members of the subcommission would be conducted in two rounds: (a) during the first round of nominations, each group of members from the same region would nominate one member to the subcommission to satisfy the requirement of geographical balance while at the same time attempting to maintain a scientific balance; (b) the Chairman would coordinate that process by way of informal consultations; and (c) the names of those nominated would then be announced to the Commission and the nominees deemed appointed members of the subcommission by acclamation.

20. The Commission further agreed that, in a separate, second round of nominations to be conducted after the announcement of the results of the first round, each regional group might nominate one further member, taking into account the particular scientific skills required for a specific submission and the composition of the Subcommission. Should the total number of members from both rounds exceed seven, the Commission would undertake consultations as to how to appoint the required number of members from the second round of nominations.

21. On the basis of that procedure, the following members of the Commission were nominated as members of the Subcommission to consider the submission of Brazil: Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Galo Carrera Hurtado, Mladen Juračić, Wenzheng Lu, Yong-Ahn Park and Philip Alexander Symonds. The Commission then appointed them members of the Subcommission by acclamation.

22. The Commission requested the members of the Subcommission to meet with a view to organizing its work, electing its officers and providing, based on a preliminary examination of the submission, a time estimate for its consideration by the Subcommission.

23. At a resumed plenary session of the Commission, it was announced that the Subcommission had elected Mr. Carrera as its Chairman, and Mr. Juračić and Mr. Symonds as its Vice-Chairmen.

24. The Chairman of the Subcommission informed the Commission that the Subcommission had proceeded with its preliminary examination of the submission and the data accompanying it. He informed the Commission that, in view of the nature of the data contained in the submission, the Subcommission had decided, in

accordance with section 10, paragraph 2, of annex III to the rules of procedure, to seek the advice of another member of the Commission, Harald Brekke.

25. The Chairman of the Subcommission outlined the general timetable for its work during the two-week period allocated for the examination of the submission, including consultations with the experts of the submitting State. He stated that the Subcommission had reached the unanimous conclusion that, owing to the volume and complexity of the data, it would not be in a position to complete the analysis of the data by the end of that two-week period. He informed the Commission that the Subcommission would meet during the next session of the Commission in order to review the intersessional work and to prepare a draft of the first working document related to the submission of Brazil. Consequently, should there be an additional submission received prior to the fifteenth session, two subcommissions would be required to work simultaneously.

26. *Agenda item 5. Report of the Chairman on the fourteenth Meeting of States Parties.* The Chairman of the Commission introduced his letter dated 18 May 2004 addressed to the President of the fourteenth Meeting of States Parties (SPLOS/111) which contained his statement to the Meeting. As he had done at that Meeting, he updated the information contained in paragraphs 15 and 16 of the letter, concerning the projected dates for the delivery of submissions, and informed the Commission of the queries made by several delegations in relation to his statement. Regarding the deliberations at the fourteenth Meeting, he drew attention to the discussion held on article 319 of the Convention and which concerned the competence of the Meeting of States Parties to discuss and decide upon substantive issues relating to the Convention. He informed the Commission of the compromise reached at the Meeting. The Commission took note of the report of the Chairman.

27. *Agenda items 6 and 9. Training issues and the preparation of the training manual and report of the Chairman of the Training Committee.* The Director of the Division for Ocean Affairs and the Law of the Sea, Vladimir Golitsyn, and the two members of the Commission who were assisting the Division in the preparation of the training manual, Messrs. Brekke and Carrera, informed the Commission of the progress of work on this publication. Mr. Carrera announced that he expected all modules to be completed soon and that the manuscript and electronic files would be transferred to the Division by mid-October 2004. The Director emphasized that the target date set by the Division for completion of the manual was the end of 2004. He informed the members that the Division was exploring the possibilities of using external expertise and know-how, for example, in cooperation with the Global Resource Information Database (GRID)-Arendal centre (see para. 34 below), with a view to publishing the manual also in the form of an interactive electronic educational tool and preparing a delivery model for trainers. In response to a question raised, the Secretary of the Commission, Oleksiy Zinchenko, assured its members that, although the manual would be issued as a United Nations publication, the contribution of the Commission, especially through the preparation of the outline for a five-day training course for the delineation of the outer limits of the continental shelf beyond 200 nautical miles and for preparation of a submission of a coastal State to the Commission (CLCS/24 and Corr.1) and of its individual members would be acknowledged in the manual in an appropriate manner. The Commission took note of the information provided in relation to the training manual.

28. The Chairman of the Training Committee, Indurlall Fagoonee, reported on the work undertaken by the Training Committee at its fourteenth session. He informed the Commission that the Committee had decided that, following the transferral of the manuscript and electronic files in mid-October, it would focus in the future on such issues as the customization of training programmes for specific regions or States and on reviewing training material for national workshops in order to assist States in ensuring the consistency of such programmes and material with the Scientific and Technical Guidelines of the Commission (CLCS/11 and Corr.1 and Add.1 and Corr.1).

29. Regarding the participation of members of the Commission in such regional or national training events, the Committee decided to request the Division for Ocean Affairs and the Law of the Sea, through the Commission, to play the role of coordinator, if necessary, and to respond to requests addressed to the Commission or to the Secretariat, as appropriate, in consultation with the Chairman of the Training Committee. Should members of the Commission be requested to participate in regional or national workshops in their personal capacity or as a member of the Commission, they should inform the Training Committee, through the Secretariat, of such an invitation. In this connection, it was reaffirmed that, even though the members of the Commission would follow the Scientific and Technical Guidelines when taking part in training activities, they were acting in their personal capacity and that the views expressed by them were not binding on the Commission or its subcommissions. The Committee considered that it was the responsibility of each member of the Commission to make a disclaimer to this effect when engaging in a training exercise. Finally, the Training Committee decided to acknowledge the importance of various training initiatives undertaken at the national, regional or global level and recommended that information on such initiatives be provided to the Secretariat for placement on the web site of the Division. The Training Committee decided also to continue to liaise with the Division, in particular in view of its planned cooperation with GRID-Arendal.

30. The Commission took note of the report of the Chairman of the Training Committee. In view of the forthcoming expiry of the first two-and-a-half-year period of the term of office of the officers of the Commission, and taking into account the open-ended nature of the Training Committee, it was decided to proceed with the election of the new Chairman of that Committee in plenary meeting. Harald Brekke was nominated as Chairman of the Training Committee for the next two and a half years In the absence of any other nomination, Mr. Brekke was elected Chairman of the Training Committee by acclamation.

31. The Chairman of the Commission informed its members that a letter dated 6 August 2004 had been received, through the Secretariat, from the Maritime Institute of Malaysia, in which the Institute had requested expert guidance from the Commission in connection with a national workshop on technical issues related to the preparation of a submission to the Commission. Several members of the Commission noted that it was not entirely clear whether that letter was an official request for scientific and technical advice, as provided for in annex II to the Convention, or simply a request for a speaker from among the members of the Commission to attend a national workshop. They pointed out the importance of such a distinction in view of the implications under the rules of procedure for the composition of future subcommissions. The Commission decided to seek a

clarification of that request from the Institute and the Permanent Mission of Malaysia, through the Secretariat.

32. The Commission was informed that the Hydrographic Department of Japan had communicated to it information regarding a proposed four-day course using the training manual. The course would provide general information regarding the provisions of the Convention concerning the continental shelf, with special emphasis on article 76. It would also focus on the identification and discussion of issues related to islands, ridges and active margins. Eleven trainees would be selected from island and other interested States to be trained by both internationally recruited and Japanese lecturers. The course had originally been scheduled for December 2004 but the final date had not yet been set. However, the course would be held before the end of March 2005. The Commission noted the information and recommended that the participation of individual members of the Commission should be coordinated with the assistance of the Division.

33. *Activities of the Division for Ocean Affairs and the Law of the Sea related to capacity-building.* On the issue of capacity-building and training, the Director of the Division, at the request of the Chairman, provided information about the current activities of the Division, focusing on two of them. The first was the technical cooperation trust fund project, based on an agreement concluded between the United Nations and the Nippon Foundation of Japan on 22 April 2004. The Director stated that the trust fund project had been established to provide assistance in capacity-building and human resources development to developing coastal States Parties and non-Parties to the Convention through academic and fellowship opportunities. The main objective of the project was to provide advanced education and training in the field of ocean affairs and the law of the sea or related disciplines to governmental officials and other mid-level professionals from developing coastal States so that they might obtain the necessary skills to assist their countries in the formulation of comprehensive ocean policy and the implementation of the legal regime set out in the Convention and to build national capacities in that regard. Fellows were to focus on acquiring a thorough understanding of the Convention and related international instruments adopted at the global or regional level and especially of their implementation and enforcement at the national level. The research, training and acquisition of specialized experience would be achieved at a university or research institution affiliated with the project that had in-depth competence and expertise in the given fields of study. Fellows would undertake a maximum of six months of research at those institutions. Research topics would be chosen by the fellow, reviewed by the selection committee and approved by the supervising professor. After completing the research, fellows would have three months of training in the Division or at an intergovernmental agency or organization competent in the chosen field.

34. Tentative plans for capacity-building activities had also been the subject of two meetings held between the Director of the Division and the representatives of GRID-Arendal. The Director provided background information about GRID-Arendal, noting that it had originally been established by the Government of Norway and the United Nations Environment Programme (UNEP) as an environmental information centre in Arendal, Norway. Set up as a foundation under Norwegian legislation, the centre was linked to the world-wide UNEP programme known as the Global Resource Information Database (GRID). Its core competencies were environmental information, communications, and capacity-building services

for information management and assessment. In response to the request contained in General Assembly resolution 57/141 of 12 December 2002, UNEP, through GRID-Arendal, had established the Limits of the Continental Shelf Facility. The main purpose of the Facility was to assist and support coastal States in complying with article 76 of the United Nations Convention on the Law of the Sea. The Facility should especially serve the needs of developing countries and small island developing States by assisting in the preparation of their submissions to the Commission.

35. The Director of the Division elaborated on the specific aspects of his discussions with the representatives of GRID-Arendal in relation to the production of the training manual on the preparation of a submission to the Commission, the organization of training and workshops at the regional level, based on the training manual, and the provision by GRID-Arendal of assistance in maintaining an inventory of data (e.g. bathymetric, seismic, and gravimetric and magnetic data) for use in the preparation of submissions to the Commission. The Commission took note of the information provided by the Director.

36. *Agenda item 7. Report of the Chairman of the Editorial Committee.* The Chairman of the Editorial Committee, Harald Brekke, recalled that, at its thirteenth session, the Commission had adopted the text of an informal document on modus operandi for the consideration of a submission made to the Commission on the Limits of the Continental Shelf, and the revised text of document CLCS/3/Rev.3 and Corr.1 on the rules of procedure of the Commission on the Limits of the Continental Shelf. He also recalled that the Commission had decided that the two documents should be consolidated by incorporating the text of appropriate paragraphs and rules from the former document into the main body of the rules of procedure and adding the remaining text as a new annex III to the rules. The Commission entrusted the Secretariat, under the supervision of the Chairman of the Editorial Committee, to undertake the final editing of the consolidated text, including any necessary improvement of syntax and grammar.

37. The final editorial work of the Secretariat and the Chairman of the Editorial Committee was undertaken with the aim of reflecting the text adopted as well as the intentions expressed by the Commission at its thirteenth session. Accordingly, in the final version of the rules of procedure (CLCS/40), the body of the text dealt mainly with the activities of the Commission, while annex III dealt mainly with the activities of the subcommission.

38. Document CLCS/40 also contained a foreword that made it clear that it now superseded and replaced the modus operandi of the Commission (CLCS/L.3), the internal procedure of the subcommission of the Commission on the Limits of the Continental Shelf (CLCS/L.12) and all previously issued documents containing the rules of procedure of the Commission and those pertaining to their revision and correction.

39. The Commission took note of the report of the Chairman of the Editorial Committee. In view of the forthcoming expiry of the first two-and-a-half-year period of the term of office of the officers of the Commission, and taking into account the open-ended nature of the Editorial Committee, it was decided to proceed with the election of the new Chairman of that Committee in plenary meeting. Indurlall Fagoonee was nominated as Chairman of the Editorial Committee for the next two and a half years and was elected by acclamation.

40. *Agenda item 8. Report of the Chairman of the Scientific and Technical Advice Committee.* The Chairman of the Scientific and Technical Advice Committee, Philip Symonds, noted that in view of the decision taken regarding the request from the Maritime Institute of Malaysia (see para. 31 above), there had been no formal request for advice by any coastal State to date. He again reminded the members of the Commission to submit short biographical notes, including a brief statement of expertise, for posting on the web site of the Division for Ocean Affairs and the Law of the Sea (see also CLCS/39, para. 26).

41. A brief meeting of the Committee, the members of which are Lawrence Folajimi Awosika, Noel Newton St. Claver Francis, Mihai Silviu German, Philip Alexander Symonds and Kensaku Tamaki, was held on 3 September 2004, during which it proceeded with the election of its Chairman and other officers. The Committee re-elected Mr. Symonds as Chairman, and Messrs. Awosika and Tamaki as Vice-Chairmen.

42. *Committee on Confidentiality.* The Committee on Confidentiality, the members of which are Osvaldo Pedro Astiz, Samuel Sona Betah, Harald Brekke, Abu Bakar Jaafar and Yuri Borisovitch Kazmin, met briefly on 3 September 2004 and re-elected Mr. Jaafar as Chairman, and Messrs. Astiz and Brekke as Vice-Chairmen.

43. *Agenda item 10. Election of the officers of the Commission.* The Chairman of the Commission recalled that, in conformity with rule 13 of the rules of procedure, the officers of the Commission are elected for a term of two-and-a-half years and are eligible for re-election. He invited members of the Commission to consult with other members from the same region and to submit nominations for a Chairman and four Vice-Chairmen.

44. The Secretary of the Commission announced that Peter F. Croker had been nominated as Chairman and Noel Newton St. Claver Francis, Mladen Juračić, Yong-Ahn Park and Yao Ubuènalè Woeledji as Vice-Chairmen. In the absence of any other nominations, the Commission elected them as the officers of the Commission for the next two-and-a-half years by acclamation, their terms of office to commence in December 2004 and expire in June 2007.

45. *Agenda item 11. Other matters.* The Secretary of the Commission informed the Commission that, in the light of the expected workload, Hariharan Pakshi Rajan, Senior Law of the Sea/Ocean Affairs Officer, had been appointed Deputy Secretary of the Commission.

46. *Timing of potential submissions to the Commission.* The Secretary of the Commission recalled that, on 16 January 2004, the Division for Ocean Affairs and the Law of the Sea had addressed a note verbale to certain coastal States, requesting them to indicate the projected timing of their potential submissions to the Commission in order to allow the Division to make appropriate preparations for their receipt and examination. On 9 July 2004, the Division had addressed a second note verbale to those coastal States that had not responded. In response to those notes verbales and in addition to the States mentioned at the thirteenth session (see CLCS/39, para. 27), several other States had informed the Division of their intention to make submissions prior to 2009, namely, Nigeria (before August 2005), Tonga (between January 2005 and December 2006), the United Kingdom of Great Britain and Northern Ireland (before 2007), Myanmar (in 2009) and Guyana (before 2009), a total of 10 States by the end of 2009. Five other States had replied that they were

not yet able to predict the date of completion of their submissions. The Commission took note of the information provided.

47. *Vacancies in the Subcommission established to consider the submission from the Russian Federation.* Pursuant to the decision taken at its thirteenth session (see CLCS/39, para. 28) and taking into account rule 42, paragraph 2, of the rules of procedure, the Commission appointed Indurlall Fagoonee and Mihai Silviu German to fill the two vacancies in the Subcommission established to deal with the submission from the Russian Federation. Consequently, the composition of the Subcommission is as follows: Alexandre Tagore Medeiros de Albuquerque, Lawrence Folajimi Awosika, Galo Carrera Hurtado, Peter F. Croker, Indurlall Fagoonee, Mihai Silviu German and Yong-Ahn Park.

48. *Preparedness of the Secretariat and meeting facilities.* The Chairman of the Commission informed it of his letter dated 2 July 2004 addressed to the Director of the Division for Ocean Affairs and the Law of the Sea. In that letter, the Chairman had pointed out that there was an urgent requirement for further office space for the Commission, adjacent to the space occupied by the Division in the DC-2 building. He stated that even the most cursory and preliminary indications of the Commission's work schedule would demonstrate that additional space was essential to enable the Commission to function adequately in the light of the number and volume of the submissions expected in the near future. In the letter, the Chairman had expressed his concern and had emphasized that the entire question of the adequacy and security of the facilities necessary to examine materials, including the treatment of confidential information contained in submissions, was of primary importance to all members of the Commission and to the many coastal States engaged in preparing their submissions. He had elaborated on the schedule for the Commission's examination of the submissions, which had been drawn up on the basis of notifications from coastal States regarding the projected dates of their submissions and bearing in mind the already scheduled dates for meetings of the Commission up to and including its sixteenth session in September 2005. He had outlined the anticipated workload at the fourteenth to sixteenth sessions of the Commission and had underscored that it was inevitable that, over the coming years, beginning in April 2005, there would be simultaneous meetings of multiple subcommissions in the DC-2 building, which would require at the very least a doubling of the capacity and space available to the Commission on the premises of the Division, and the provision of adequate technical facilities. The Commission would therefore require, as a minimum, a second room for the examination of submissions, fitted out in a similar way to the existing Geographical Information System (GIS) laboratory, assuming that the conference room of the Division would also be available for meetings with representatives of coastal States. Furthermore, additional secure storage space for the submissions would be required. Highlighting the urgency of the matter, several members of the Commission pointed out that, should an additional submission be received prior to the fifteenth session of the Commission, two subcommissions would be required to work simultaneously.

49. The Director of the Division stated that it was aware of the importance of adequate facilities for the work of the Commission and its subcommissions and had already taken steps to expand the current premises, including technical facilities and storage space. The Division's requests had met with a positive response from the Facilities Management Division. The Division expected that the second GIS laboratory would be in place in time for the fifteenth session of the Commission in

2005. The Commission took note of the information provided by the Director and expressed its appreciation for the efforts made by the Division.

50. The GIS Officer of the Division, Robert Sandev, made a presentation regarding the additional technical means available to the members of the Commission to facilitate their communication during the intersessional period.

51. *Other meetings of interest.* The members of the Commission exchanged information on other meetings of interest, in particular the thirty-second International Geological Congress, held in Florence, Italy, from 20 to 28 August 2004, and a national symposium on continental shelf delimitation, held in Japan on 20 July 2004.

52. *Future sessions of the Commission.* Several members of the Commission observed that, given the number and volume of new submissions expected to arrive for examination in the next few years, it was no longer feasible to schedule meetings of the Commission for only one week twice a year, followed by two weeks for meetings of the subcommissions. In order to deal realistically with the increased amount of work which would have to be done by the Commission in order to deal with submissions within a reasonable time frame, the length of each of the two sessions of the Commission held each year would have to be increased to at least two weeks in order to allow the plenary adequate time to fully consider the submissions. Additional meeting time would need to be allocated for meetings of the subcommissions, depending on the volume and complexity of the submissions. Since the work of the Commission in examining submissions should be done in accordance with the Convention by way of appointing subcommissions, and given the anticipated receipt of at least 10 submissions within the next five years, every member of the Commission would have to be engaged in the work of a subcommission, and often of multiple subcommissions. Only the plenary meetings of the Commission required the use of full conference facilities. The Commission noted that those facilities had already been allocated for 2005. However, for the purposes of planning and budgeting, all sessions of the Commission starting from 2006 onwards should be scheduled to allow for three weeks of meetings.

53. After a thorough discussion of the matter and in view of the anticipated workload and numerous difficulties that individual members of the Commission would face with regard to planning their work programmes and securing financing, it was decided that two sessions would be held in 2005: the fifteenth session would be held from 4 to 22 April and the sixteenth session from 29 August to 16 September, on the understanding that the second and third weeks of each session would be used by the Commission for the technical examination of submissions at the GIS laboratory and other technical facilities of the Division.

54. *Issues related to the establishment of and participation in subcommissions.* With regard to the establishment of subcommissions and the appointment of their members, several members of the Commission raised a matter that they deemed of great importance. They pointed out that approval of their travel by their Governments did not include a three-week stay in New York since their appointment to the subcommission was not definite at the time of travel authorization. At the present stage therefore, their availability for the subcommission was constrained by the fact that financing for the extended stay might not be available since their Governments had not pre-budgeted that expenditure. The members of the Commission expressed considerable concern, since this led to an anomalous

situation whereby only those members whose financial requirements were secured would be available for appointment to the subcommissions. Such a situation would be in contravention of the requirement of the Convention that the members of the subcommission be appointed in a balanced manner, taking into account the specific elements of each submission by a coastal State and the rules of procedure which make reference to the need to ensure, to the extent possible, a scientific and geographical balance in the composition of a subcommission. The members of the Commission expressed specific concerns in the light of the anticipated number of submissions, which would necessitate the formation of several subcommissions at the same time. The Commission requested its Chairman to bring the matter to the attention of the next Meeting of States Parties to the Convention. The Commission also requested the Secretariat to bring the issue to the attention of Member States during the fifty-ninth session of the General Assembly, which would address budgetary issues related to the continental shelf and the work of the Commission.

55. The Commission renewed its expressions of appreciation to the staff of the Division for Ocean Affairs and the Law of the Sea, as well as to the interpreters, translators and other staff, for the assistance and services provided during its current session. Regarding the forthcoming retirement of Lynette Cunningham, Law of the Sea/Ocean Affairs Officer, the Chairman paid special tribute to her, noting her exceptional contribution to the work of the Commission and wishing her well in her retirement.